

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

GARY L. HODGES,)
)
Petitioner,)
)
v.) No. 4:06CV158(MLM)
)
ALAN BLAKE,)
)
Respondent.)

MEMORANDUM AND ORDER

This matter is before the Court upon the application of Gary L. Hodges for a writ of habeas corpus. In the application, applicant challenges a state probate court's decision finding that he is "sexually violent predator" and confining him at the Missouri Sexual Treatment Center located in Farmington, Missouri (MSOTC). Applicant seeks immediate release from his civil committment.

Rule 2(c)(5) of the Rules Governing § 2254 Proceedings for the United States District Courts (hereinafter referred to as the § 2254 Rules) provides that a petition for a writ of habeas corpus pursuant to § 2254 "shall be signed under penalty of perjury by the petitioner." Rule 11(a) of the Federal Rules of Civil Procedure which also applies to § 2254 proceedings, see Rule 11 of the § 2254 Rules, further states that every pleading, motion, and paper filed with the Court shall be signed by an attorney or, if the party is not represented by an attorney, by

the party. Rule 11(a) Fed. R. Civ. P.

The instant petition is not signed by Gary L. Hodges. Consequently, the instant petition does not comply with either Rule 2(c)(5) of the § 2254 Rules or Rule 11(a) of the Federal Rules of Civil Procedure.

Therefore,

IT IS HEREBY ORDERED that the Clerk of Court return the instant § 2254 action to Gary L. Hodges for the purpose of obtaining Andre L. Davis's original signature thereon.

IT IS FURTHER ORDERED that within thirty(30) days of the date of this order Gary L. Hodges shall submit to the Court a § 2254 petition bearing his original signature thereon.

IT IS FURTHER ORDERED that if Gary L. Hodges fails to submit a § 2254 petition containing his original signature within the time specified, then the instant § 2254 petition will be dismissed.

IT IS FURTHER ORDERED that the Clerk of Court shall retain a copy of the instant § 2254 petition for the Court's records.

Dated this 13th day of March, 2006.

/s/Mary Ann :L. Medler
MARY ANN L. MEDLER
UNITED STATES MAGISTRATE JUDGE